

CROSS CREEK HOMEOWNER'S ASSOCIATION PROPERTY STANDARDS REGULATIONS

Revised June 2015

Table of Contents

| | |
|---|----|
| Objective | 3 |
| Property Standards Administration | 3 |
| The Committee | 3 |
| Purpose | 3 |
| Committee Member Responsibilities | 3 |
| Reporting cycles | 4 |
| Meetings | 4 |
| Walker Reports | 4 |
| Property Standards | 5 |
| Definitions | 5 |
| Property Improvements | 7 |
| Home-Based Businesses | 8 |
| Nuisances | 8 |
| Homeowner Inaction | 9 |
| Letters of Notification | 9 |
| Templates | 9 |
| Escalations | 9 |
| Notice of Violation | 9 |
| Notice of Fine | 10 |
| Schedule of Fines | 10 |
| Initial fines | 10 |
| Subsequent Related Fines | 10 |
| Fine Reductions | 10 |
| Sanctions | 11 |
| Sanctions Appeals Process | 11 |
| Board Response | 11 |
| References | 12 |

Objective

The objective of the Cross Creek Homeowner's Association Property Standards Regulations is to develop and maintain a program of frequent property reviews and constructive feedback to homeowners for both violations and examples of excellence within our community. While enforcement of Covenants, Conditions and Restrictions (CC&Rs) is a natural part of the Property Standards mission, it is our goal to execute that enforcement in a manner that communicates mutual respect to our homeowners and reflects the sense of community and brotherhood that our association represents.

Property Standards Administration

The administration of Property Standards enforcement will be performed by the Cross Creek Homeowner's Association (CCHOA) Board of Directors in conjunction with the Property Standards Committee (The Committee). The Committee was appointed and empowered by the CCHOA Board of Directors to enforce the Declaration of CC&Rs and Property Standards Regulations.

The Committee

The Property Standards Committee will consist of at least four people: A committee chairperson (seated by an elected Board Member) and at least three volunteer homeowners of the association.

Purpose

The purpose of The Committee is:

- To monitor homeowner compliance with standing CC&Rs and governing documents and apply reasonable enforcement efforts that are consistent with the mission statement of this committee.
- To regulate new construction and property improvements by reviewing and approving or denying Property Improvement Proposals.
- To identify potential problem areas within, develop possible solutions for, and make recommendations to the Board regarding the standing CC&Rs.
- Make changes as needed to the structure of The Committee,
- Make changes as needed to the format for enforcement of CC&Rs, or anything related to The Committee as needed to be more efficient, or as required to accommodate the needs of the Association. To coordinate and communicate those changes to the Board for review and approval.

Committee Member Responsibilities

Committee Chair (elected Board Member)

The Committee Chair will be a member of the CCHOA Board of Directors. They will

- Coordinate the efforts of the committee.
- Hold regular Committee meetings.
- Be a point of contact for Homeowner concerns and complaints.
- Keep Homeowners and the Board informed of Committee activities.
- Maintain consistency in standards enforcement.
- Write letters of notification as needed to address walker reports.

- Maintain a set of templates for use in writing notification letters. Keep the Board apprised of updates and changes for peer review and approval.
- Walk the entire association at least twice each year.
- Maintain a database of walker reports, violations, and thank you cards.
- Maintain electronic copies of all notifications sent to homeowners.
- Maintain and assign walker routes and distribute maps to Committee members as needed.
- Maintain a list of homeowner names, addresses, and lot numbers.
- Send/deliver letters of notification.
- Purchase envelopes, printer paper, labels, thank you cards, and stamps as needed for sending notifications.
- Get board member signatures on the thank you cards when applicable.
- Store all relevant written Committee communication.

Volunteer homeowners

- Walk an assigned route on a regular basis and submit reports of violations, as well as examples of excellence.
- Attend Committee meetings.
- Collaborate with the Committee to discuss areas of improvement regarding Committee processes, templates, routes, etc.

Reporting cycles

The Committee's walking and reporting activities shall be done at least once a month. Walking, reporting, and Committee meetings shall take place at the beginning of the month prior to the monthly CCHOA meeting. Reports can be submitted by all homeowners through the CCHOA website.

Meetings

The Committee shall meet once a month in the Recreation Center at a time deemed convenient for the committee members. Preferably, The Committee shall meet before the monthly CCHOA meeting in order to be able to provide a report of activities to the Association. Committee meetings shall be comprised of a review of walker reports and notifications. Property Improvement Proposals (PIPs) should also be discussed to present recommendations to the Board.

Walker Reports

Walker reports shall be submitted each month prior to the Committee meeting. Reports should be submitted for any property that is in violation of a documented standard or CC&R. Likewise, walkers should submit reports of properties where the homeowner has gone above and beyond to maintain their property in excellent condition, or has made property improvements that notably improve the appearance. Walkers shall use good judgement when submitting reports. Generally, reports will be of the following categories:

- Garbage, yard debris, or recycle cans visible from the street
- Weeds, lawn, shrubs, or trees overgrown on the property
- Fence or other structure in need of maintenance
- Inoperable vehicles or expired vehicle registration
- A note of thanks for maintaining the property in excellent condition

Property Standards

As a resident living in the Cross Creek Homeowners Association, we have agreed to follow basic maintenance and improvement rules and regulations as found in the CC&Rs. In addition, this document extends those rules and regulations with the following definitions.

Definitions

In addition to the several Articles defined in the CC&Rs, members and residents of the Cross Creek homeowners association are bound to the following property standards. It is the duty of the owner or occupant of any house to maintain in proper condition the lot and any improved structures on said lot.

House Colors

All houses in Cross Creek must be painted or stained in natural tones so as to fit the color scheme of the community. No houses may be painted or stained in colors such as bright reds, greens, blues, yellows, oranges, purples, pinks, etc. If a house is to be painted and a change in color is intended, the homeowner must complete a property improvement form available from the Cross Creek website or rec center, prior to painting and obtain approval from the Property Standards chair.

Fences

All fences placed on homeowner lots must first be approved by the Property Standards Committee. Fences may be constructed of approved fencing materials. Fences, if painted or stained, must conform to the same standards applied to the painting or staining of houses.

- Gates are not required but must be in good order and of the same material as the fence if they exist.
- Fences, where they exist, are required to run the entire length of any property line.
- Fences on adjoining lots are the responsibility of both property owners.

Patio, Decks & Outbuildings

The addition of any of the above must be approved by the Property Standards Committee. All additions must blend with the surroundings with respect to colors and materials.

Miscellaneous Litter

Homeowners are prohibited from dumping or storing rubbish, trash, litter, garbage, debris (or any other waste) or building materials on their lots where it may be viewed from any of the streets or common areas. This includes such things as old tires, auto parts, compost matter, etc. Garbage and other waste shall be kept in sanitary containers and removed regularly. Building, construction, and project materials may only be stored in view if related to an approved and ongoing Property Improvement Proposal.

Garbage, Recycle, & Yard Debris Cans

Cans must be stored out of sight from the street or common areas. They may be placed out on the street for collection the day prior to collection, and must be returned to an appropriate storage location within 24 hours after garbage collection.

Holiday Lighting and Decorations

All holiday lighting and decor must be removed no later than four weeks after the corresponding

holiday. More time can be allowed if unfavorable weather makes removal difficult or dangerous. Holiday lighting may not be used as accent lights. Low voltage lighting may be used.

Basketball hoops and Satellite Dishes

Any basketball hoop or satellite dish on the property must be complete, and maintained in good working condition. At such time that these items are no longer used, they should be removed by the homeowner rather than be allowed to fall into disrepair. While Satellite dishes are allowed by FCC ruling, they shall not be mounted on the front of any home without obtaining prior approval of the Committee and/or the Board of Directors.

Antennae

Antennae may not be erected or maintained anywhere on the property outside of the house. Antennae inside the house are allowed. All transmitting antennae are prohibited.

Graffiti

Homeowners are responsible for removing graffiti from any fence or structure on their property, within seven days of discovering the graffiti. More time can be afforded the homeowner if unfavorable weather makes removal difficult or dangerous.

Landscaping

Homeowners are responsible for the upkeep of landscaping on their property.

- Lawns - Must be mowed regularly and not be allowed to grow excessively long (6" or greater).
- Shrubs - There are no restrictions on the type of shrubs allowed, however, any shrub that requires regular pruning or clipping such as laurel hedges must be maintained regularly by the homeowner or occupant.
- Bushes and Trees – must be trimmed and healthy.
 - 7' clearance required over sidewalks.
 - 10' clearance required over streets.
 - May not block view of traffic.
 - Trees within 8' of curb need HOA approval prior to removal.
- Leaves and Yard Debris – Must be picked up and disposed of regularly and in a timely manner.
- Curbs/Sidewalks – The homeowner or the occupant is responsible for maintaining property up to and including the curb and if applicable, sidewalk area of the property. This includes weed control in the curb area as well as maintaining the area to insure it remains free of debris. Homeowners or occupants having lots with fences between their yards and the street are responsible for the maintenance of the property between the fence and the street.
- Weed Control – Each homeowner or occupant is responsible for the control of weeds throughout their property. Homeowners with fences are responsible for the control of weeds between the fence and common grounds or curbs, when the fence parallels common ground areas or curbs/sidewalks. If weeds exist in lawns, they must be removed regularly and not allowed to go to seed. Weeds in mulched areas must be pulled prior to going to seed.
- Gardens – Front yard gardens are allowed only when the plants blend in with the landscaping. Boxed garden beds are not allowed in the front yard.
- Household Objects - Furniture, household fixtures, garbage, building materials, truck bed tool boxes, firewood, etc. must be kept out of sight. Front yards are to be manicured not lived in.

Pets

Homeowners or occupants are responsible for the control of all pets. Dogs and cats are not permitted to roam the community unattended. Excessive barking or other activity which disturbs other homeowners will not be allowed. Pet owners are responsible for the control of animal waste to prevent odor. Pet waste must be removed from yards on a frequent basis and properly disposed.

Recreational Vehicles & Trailers

Utility trailers, moving PODs, garbage and debris dumpsters, boats, motor homes, campers, or similar vehicles/crafts, must adhere to the following:

- Cannot be parked on a regular basis on the street or in a driveway.
- Street or driveway parking is allowed for a maximum of 48 hours without a permit.
- A two week permit may be requested from the RV Lot Board member, which would allow the vehicle to be parked on the street or in the driveway during the approved two week period with the permit visibly displayed.

Autos and Pickups

Automobiles parked on streets or in driveways must be licensed, have current registration, and be in operating condition. Automobiles that are not operational for periods of 48 hours or more must be garaged. In addition to the above, vehicles must comply with the following:

- Must be parked with the flow of traffic.
- Cannot be parked in any part of the yard.
- No more than four vehicles parked at the property.
- Cannot be stored on the driveway or street under a tarp.

Commercial Vehicles

Vehicles that exceed the legal weight limits for residential streets, may not be parked on neighborhood roads. They may be parked curbside on Rosa Drive.

Common Areas, Fields, and Paths

Dumping of trash, litter, garbage, debris or any other waste on common areas or fields is strictly prohibited. No motorized scooters, skateboards, or other motorized vehicles (with the exception of ADA scooters and vehicles) are allowed on paths. All wheeled vehicles must yield to pedestrians.

Property Improvements

In order to maintain an appropriate level of quality within our community, all property improvements must be approved by the Committee.

- A PIP must be submitted to the Committee and approved prior to work starting.
- Failure to submit a PIP, at the discretion of the Committee, may require the homeowner to have the structures or additions removed, at the sole expense of the homeowner.
- Maintenance that will not materially alter the exterior appearance of the property does not need approval (no change in materials, size, shape or color).
- Any structure that is visible from a street, path or adjacent property must be approved prior to being erected.

- All State and County codes must be adhered to. The onus for adherence is on the homeowner. The homeowner is responsible for providing adequate evidence that property improvements meet county codes and have all required permits.
- The Committee shall have the authority to ask any homeowner and/ or occupant to make whatever other changes or improvements it might deem necessary so long as two-thirds (2/3) of the Committee members agree that said improvements are required for the betterment of the community. The Chairperson shall notify the Board of all such requests in the following Board meeting.

Home-Based Businesses

No retail or wholesale business or service shall be operated from a Cross Creek home. A business shall be defined as any operation that is executed from within the home for the purpose of earning a primary or secondary income, and that requires a city, state or county permit or license.

Home offices, babysitting, day cares as referenced in the CCHOA resolution, and mail order businesses are acceptable forms of businesses that can be conducted from a Cross Creek home. If the operation of one of these forms of business creates a nuisance for neighbors, the Board will recommend arbitration. Arbitration rulings will be final. If you are not sure about your situation, it is recommended that you request a ruling prior to starting the business.

Nuisances

"Nuisance" means any annoying, unpleasant or obnoxious thing, practice, or condition that causes a substantial and unreasonable invasion of a right common to members of the community. It includes, but is not limited to, actions or claims based on noise, vibration, odors, smoke, dust, and traffic.

The following things, practices, and conditions are declared to be nuisances:

- Unreasonable, improper, indecent, or unlawful use of property to the annoyance or damage of another (or the community).
- Interference with a person's use and enjoyment of his home/property and/ or an unreasonable interference with the health, safety, peace, or comfort of the community.
- Any diseased animals running at large.
- Any ponds or pools of stagnant water within three hundred feet of two or more separate residential units.
- Any animal carcass not buried or destroyed within twenty-four hours after death.
- Accumulation, collection, storage or disposal of solid waste, waste, garbage, liquid waste, refuse, rubbish, sewage sludge, demolition materials or fill dirt, if any of the aforementioned materials are offensive or hazardous to the public health and safety. This section will not pertain to the accumulation, collection, storage or disposal of those materials authorized by county ordinance or state statute.
- Abandoned wells, septic systems or cesspools which have not been securely sealed or otherwise made safe against causing accident or contamination.
- Abandoned, unattended or discarded icebox, refrigerator or other container which has an airtight door or lid, snap-lock or other locking device which may not be opened from the inside, without first removing said door or lid, snap-lock or other locking devices therefrom.

- Any property, whether vacant or improved, building or structure that is infested by flies, fleas, rodents, lice, ticks, rats, mice, fly maggots, mosquito larvae, or other vector and their hosts.
- Accumulation of any materials capable of providing vector harborage or which may create a fire hazard.
- Uncontrolled or uncultivated growth of weeds, brush, shrubs or grass, or any plant which provides vector harborage or is obnoxious to agriculture or contributes noxious pollens into the atmosphere or creates a fire hazard.

The declaration of the above nuisances shall not be construed to limit the power of the Board or its authorized representative to investigate any other thing, practice or condition appearing to be a nuisance or reported to be a nuisance, and to declare the thing, practice or condition a nuisance when the facts appear that a thing, practice or condition exists which is the cause of a nuisance.

Homeowner Inaction

Should any homeowner fail to take corrective action on any of the issues listed in this document within the time period stipulated during escalation, and after the Committee has made reasonable efforts to escalate the issue as defined below in the section titled “Letters and Notifications”, the Committee shall reserve the right to hire the work done, and to bill the homeowner for the cost of the work plus a \$50 administration fee. This shall be in addition to any fines accumulated during the escalation process as defined below.

Letters of Notification

Written notices of non-compliance will be issued by the Property Standards Chairperson to any residence found to be out of compliance with the CC&Rs, governing documents, or the Property Standards as defined in this document. Letters will be sent by first class mail or delivered in person to the occupant of the residence found in violation. In the case where a notification is sent to a residence, and the occupant of that residence is known to be a renter, a copy of the notice will also be sent to the registered homeowner.

Templates

Document templates shall be used to provide a general format and structure to notifications. It is the responsibility of the Committee Chairperson to create, update, and maintain these templates. Changes shall be presented to the Board for peer review and acceptance.

Escalations

Violations shall be addressed on the following schedule of escalations, to prompt homeowners to take corrective action. The schedule attempts to provide consistency for notifications. The following schedule is meant as a general rule of thumb, and may be tailored by the Committee Chairperson to fit each situation.

Notice of Violation

Each initial violation shall receive a notification of violation of the CC&Rs or Property Standards Regulations. An initial notification shall include a statement of the violation, and a request for the homeowner to bring their property into compliance in 30 days from the date of the letter. Oregon Law

entitles the homeowner to request a hearing for 10 days from the date of the violation letter. If a hearing is not requested from the Board of Directors in 10 days, the homeowner waives their right to the hearing. Any reoccurrence of the violation within one year (365 days) is considered a continuation of the violation and will be subject to immediate fines without further opportunity for a hearing. Proposals for remediating the issue can be discussed and approved by the Board of Directors during the scheduled hearing.

In cases where the violation is time sensitive (remediation required in less than 30 days), for example trailers parked in a driveway, a time limit shall be defined for compliance. It will be the responsibility of the Committee Chair to make sure of compliance within the specified limit.

Notice of Fine

If a homeowner fails to comply after receiving a Notice of Violation, or after receiving approval of an alternative proposal approved during the requested hearing 10 days from the Notice of Violation, the Committee Chair may issue a fine. Fines shall include a statement of the cause of the fine, the fine amount, the due date for payment of the fine. All fine letters shall be sent to the Treasurer and the Administrative Assistant, and entered on the records of the targeted lot. Homeowners with unpaid fines will be restricted from usage or rental of the pool and recreation center until all fines have been paid in full. Fines shall be issued in accordance with the section below: "Schedule of Fines".

Schedule of Fines

Fines may be imposed by the Committee Chair after the proper escalation process has been followed, as described above. The fine will be determined using the following guidelines.

Initial fines

A homeowner shall be issued a fine of \$50 for any violation that was not resolved during the course of escalation. Any reoccurrence of the violation within one year (365 days) is considered a continuation of the violation and will be subject to immediate fines without further opportunity for a hearing.

Subsequent Related Fines

Additional fines will be levied for each additional day that the violation goes unresolved. A fine of \$50 per month will be levied each month after the initial fine, with the maximum fine for each occurrence of \$300 (6 months). Subsequently, a fine of \$300 per month will be levied until the violation is corrected.

Fine Reductions

Upon compliance and remedy of the violation an owner may petition the Board in writing to reduce the fine. Fines may be removed or reduced at the discretion of the Board of Directors, only after the homeowner has resolved the issue to the satisfaction of the Board of Directors and The Committee. The Board shall hear recommendations from the Chair when fine reduction requests are received. Consideration may be given to prior violations, the length of time the violation existed, and the owner's willingness to work with the Board. If a decision is made to reduce a fine, the fine may not be reduced to less than 20% of the total fine levied and reduced to not less than \$50. (IE: a \$100 fine can only be reduced to \$50; a \$250 fine can be reduced to \$50, whereas a \$500 fine can only be reduced to \$100.

Sanctions

Homeowners with unpaid fines are restricted from using the recreation center, pool, and RV lot until fines are paid in full. The following are possible sanctions that may be considered by the Committee and the Board:

- Hire contractors to perform the work done for the homeowner. A fine amount will be assessed based on the work necessary to correct the infraction. The assessment will be made by the Maintenance Chair and/or an outside firm using current hourly rates for such work as is required.
- A lien may be placed against the home and property.
- In extreme cases Civil Action may be taken.

Sanctions Appeals Process

Any sanctions levied or alternative proposals denied by the Board may be brought before the Board by the homeowner for consideration. A homeowner has five calendar days to appeal any sanction levied upon them by the Board. If no appeal has been made within this five day time limit, the Board's decision is final. An appeal must be submitted to the Board in writing. Written appeals must include the following information:

- Contact Information: Name, Address, Phone Number
- A copy of the notice identifying the infraction
- A copy of the Board's Decision regarding the infraction the homeowner is appealing
- An explanation for why the infraction was not rectified, and/or for appealing the Board's Decision

Board Response

A letter from the Board of Directors with the final decision of the appeal will be sent to the property owner/occupant within sixty (60) days after determination is made.

References

This document supersedes all other Property Standards documents as of the date of this document.

| Version | Document Changes | Approval Date |
|---------|--|---------------|
| 6.0 | Reformatted document and updated to current regulations. <ul style="list-style-type: none">- Added no gardens to landscaping section- Added no tarps to auto section- Added no transmitting antennae- Updated violation and fine sections to include the right to a hearing by Oregon law- Incorporated schedule of fines from website | June 11, 2015 |
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